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ATTN: BOX ISSUE FEE  
PATENT

Attorney Docket No. 4329.2620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
HIROSHI NOMURA ET AL. ) **Notice of Allowance Dated: 7/7/03**  
)  
Serial No.: 09/923,443 ) Group Art Unit: 2851  
)  
Filed: August 8, 2001 ) Examiner: D. Esplin  
)  
For: EVALUATION MASK, FOCUS )  
MEASURING METHOD AND )  
ABERRATION MEASURING )  
METHOD )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONSIDERATION OF CITED REFERENCE**

In the Notice of Allowability, the Examiner states that he did not consider one of the documents (Japanese Patent Publication No. 11-237310) submitted with the Information Disclosure Statement ("IDS") filed August 30, 2001, because the IDS did not include a concise explanation of relevance. However, Applicants respectfully point out that a concise explanation was provided, i.e., Applicants pointed out in the IDS that the relevance was discussed in the body of the present application at page 28. A copy of the Form PTO 1449 marked up by the Examiner and returned with the Notice, another copy of the Form PTO 1449 as originally filed, and a copy of the IDS filed August 30, 2001, is attached. The Examiner's attention is directed to page 2, lines 3-4, of the IDS

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where Applicants point out that the relevant of Publication No. 11-237310 is discussed in the present application.

In light of this, the Examiner is respectfully requested to return a copy of the original Form PTO-1449 with his initials to indicate that Publication No. 11-237310 was considered by the Examiner.

If there are any fees due in connection with the filing of this Request, please charge the fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: \_\_\_\_\_

8/26/03

By: \_\_\_\_\_

Richard V. Burgujian  
Reg. No. 31,744

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